



February 29, 2008

Mr. Bruce Wolfe
Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Subject: City of Sunnyvale Comments on the Tentative Order for the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit

Dear Mr. Wolfe:

The City of Sunnyvale, a Co-permittee of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), has implemented a proactive municipal stormwater pollution prevention and control program since the first countywide municipal stormwater permit was adopted for Santa Clara County in 1990. The City of Sunnyvale recognizes that there are pollutants that have been listed on the state's impaired water body list that will require additional controls as part of implementing the total maximum daily load process. The City is committed to implementing enhanced stormwater pollution prevention measures for the pollutants found to be impairing local waterways.

The following provides our comments on the Tentative Order received for public comment on December 4, 2007. We would like to acknowledge the significant efforts on the part of the Water Board staff to develop a bay-wide stormwater permit in the Municipal Regional Stormwater Permit (MRP). This was a major undertaking. We are, however, dismayed to see that many of our comments provided on earlier public review drafts remain to be addressed.

The City of Sunnyvale is very concerned with the following significant general issues in the Tentative Order:

- The linkages between the new and expanded requirements and expected improvements to water quality are not identified. New or expanded requirements need to be practical, understandable, and address the implementation of efforts that will benefit water quality.
- There continues to be no prioritization of the new or expanded requirements outlined in the Tentative Order, despite previous requests to the Water Board staff by Sunnyvale and other co-permittees to do so. (See the City's comment letters on previous public review drafts (Letters to Mr. Bruce Wolfe, dated November 8, 2006 and July 13, 2007).
- The Tentative Order is highly prescriptive. This approach severely limits permittees' ability to evaluate local alternatives and implement the most cost effective methods to achieve water quality improvements in their jurisdiction. This will add a significant

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financial burden to the municipalities and agencies that must implement the provisions.

- Timelines for implementation of new and expanded requirements are very short; adequate time needs to be provided to allow reasonable time frames for implementation. This is especially true in cases where city ordinance changes will be required to maintain compliance with permit conditions.
- Phasing is needed to reflect the revenue and funding constraints that cities face in seeking to implement new and expanded stormwater measures. Specifically, time is needed to develop a financial plan, educate property owners and/or voters on the need for additional funding, and then attempt to secure voter approval of any bonds or additional fees needed to implement the permit requirements. The permit's compliance dates should be adjusted to acknowledge the need to secure and accrue funding for significant new permit requirements.

There are a number of areas in the permit where modifications are needed to achieve the objectives of providing a clear, reasonable and flexible approach to stormwater management, in order to allow permittees to implement cost-effective approaches for water quality improvement. **The following examples in Attachment A identify areas where the City of Sunnyvale requests modifications be made in the Tentative Order to meet these objectives.**

The City has reviewed and supports the MRP comments provided to the Water Board by the SCVURPPP and hereby incorporates them by reference.

The City appreciates the opportunity to review the Tentative Order and provide comments. We also appreciate your consideration of our comments and look forward to seeing your response to them as well as discussing the issues further at the March 11, 2008 Public Hearing. If you have questions regarding our comments presented here, please contact Lorrie Gervin, Environmental Division Manager at (408) 730-7268.

Very truly yours,



Marvin A. Rose,
Director, Public Works

cc: Amy Chan, City Manager
Adam Olivieri, SCVURPPP Program Manager
Lorrie B. Gervin, City of Sunnyvale, Environmental Division Manager

Attachment A: Tentative Order Provisions and Changes Requested by the City of Sunnyvale

Section Title and Provision Reference	Issues and Requested Changes
Municipal Operations C.2	<p>1. Requiring the submission of maps of city streets and the frequency of street sweeping based on an arbitrary frequency designation is an example of an overly prescriptive requirement, without demonstration of commensurate water quality benefits. Sunnyvale already posts its routes and street sweeping dates on the City's website, based on parameters to maximize efficiency. A more flexible approach would be to require increased sweeping frequencies in areas that have been identified as problem sources for either litter or other pollutants of concern, if sweeping is an effective method to control the problem. The City requests that the map submission requirement be eliminated.</p> <p>2. Requiring the type of sweepers must be selected for equipment replacement over the course of the permit is another example, we believe, of overly prescriptive requirements, and again in a case where it has not been conclusively demonstrated that street sweeping with regenerative air-type sweepers has measurable effects on the stormwater runoff quality. (See study not included in the Findings: <i>USGS Scientific Investigations Report 2007-5156, Evaluation of Street Sweeping as a Stormwater Quality Management Tool in Three Residential Basins in Madison, Wisconsin</i>. http://pubs.usgs.gov/sir/2007/5156/#z) The City requests that the requirement for specific types of sweeping equipment be removed as a permit condition until it is adequately demonstrated that water quality benefits are observed through the use of expensive, regenerative air sweepers.</p> <p>3. The requirement to inspect and clean all catch basins within the City's jurisdiction before the start of the rainy season (October) represents a very substantial and onerous work load for City staff. The City inspects all storm drain inlets on the City's block maps annually. The added costs to a municipality to increase the frequency of storm drain inlet cleaning will be significant for many and there is no phase-in period for municipalities to attempt to find the resources to implement this requirement. Reporting the results of the inspection and cleaning program in the annual report is also quite burdensome, without providing additional water quality benefit. If the purpose of data collection/reporting is to assess effectiveness, this would more reasonably accomplished by a</p>

	<p>pilot study, without requiring a full-scale implementation at this time. As a side note, the requirement in the permit language (inspect and clean) and the intent that is stated in the findings (inspect and clean them, as necessary) do not match. The City requests that the Water Board review this provision carefully and provide clarification between what is in the findings and the language in the permit provision , as well as prioritize and phase this requirement in the scope of all the additional requirements the municipalities must implement.</p> <p>4.The City is concerned with the overly prescriptive requirement for reporting the quantities (weight or volume) of debris removed from storm drain pump stations during quarterly cleaning activities (or pre or post storm events, as needed). Typically it is not possible to separate sediment, debris, and trash upon their removal from the forebay or trash rack of a pump station and then provide data for their individual quantities as the mechanical methods used do not allow this to easily occur. The statements provided in the findings do not support the need for these data being requested and no linkage to water quality benefits are provided for this permit requirement. The City requests that the Water Board remove the debris quantification reporting requirement, as there is no support for it in the findings or as a water quality benefit.</p> <p>5. In general, all the provisions in this section of the permit need to be reviewed carefully by the Water Board, prioritized in light of all the other new or enhanced requirements of the Tentative Order, and then provide phasing opportunities for new or added requirements above what was in our previous permit to allow for budgetary considerations within the municipalities.</p>
New and Redevelopment C.3	<p>1.Provision C.3.b describes new “regulated” projects and reduces the size threshold from 10,000 square feet to 5,000 square feet of impervious area added or replaced as of July 1, 2010. Since the 10,000 square foot threshold for projects that must implement C.3 began implementation in Sunnyvale in October 2005, only a limited number of projects of this size have been completed to date and there is still a lack of knowledge about the effectiveness of the BMPs that have been installed, ongoing maintenance issues, and how to address the constraints for treatment on relatively small sites. The justification provided in the findings to support the rationale for reducing the applicable project size threshold is flawed. The Fact Sheet states that for these land uses added to the definition of Regulated Project, the 5,000 square foot</p>

threshold is considered “Maximum Extent Practicable” because the Los Angeles Regional Board Stormwater Permit included these land uses. However, the Los Angeles permit does not have these additional site design and source control requirements for small sites that the MRP has. Also, it does not demonstrate a connection between size threshold and significant water quality improvement, especially in an already highly urbanized area. **The City requests that the permit keep the size threshold for all “Regulated Projects” at 10,000 square feet of impervious area being added or replaced. The stormwater from smaller “Special Land Use” categories of projects can be adequately handled through the use of good site design and the application of low impact development principles.**

2. Provision C.3.b.i.1 appears to apply to all parking lots greater than 5,000 square feet in size, whether they are surface lots or are covered, and requires stormwater treatment for them. This provision does not take into account parking lot areas not exposed to stormwater, such as in parking lots underneath a building or on the lower levels of a multi-story parking structure. In areas that are not exposed to stormwater, it does not seem reasonable to require stormwater treatment. **The City requests that this provision be revised to apply only to those parking lots that will come into contact with storm water.**
3. The Tentative Order requires the evaluation of smaller and smaller projects by requiring studies to collect impervious surface data from projects adding or replacing 1,000 to 10,000 square feet of impervious area.

When the City of Sunnyvale collected this type of data for projects from 4/1/02 to 9/15/03. Staff found that a significant amount of time was required to assist project applicants in the calculation of the data (since this size of project often includes single family homes) and to verify the data submitted for larger, more sophisticated project applicants.

For example, when Sunnyvale staff collected data in 2002-2003, approximately 35 projects fell within the 1,000 to 10,000 square foot category and collectively added a total of approximately 1.9 acres of impervious surface for all those small projects combined. This amounted to .0002% of the City’s total land available for residential, commercial, industrial or public facilities development. However, to get that information, all project applicants (135) who came in with projects adding more than 500 square feet (basically a

room size) during the data collection period had to fill out an impervious surface data form, which then had to be reviewed by staff for accuracy. It is not worthwhile investing limited staff resources to collect this type of data again, as the stormwater treatment requirements needed for these small projects could better be handled by the Tentative Order's proposed site design and source control requirements.

The City requests that no further efforts to collect this type of data be required, given the data already provided and the that that the regulation of storm water for these smaller projects can be addressed through site design and source control requirements that are included in this Tentative Order.

4. The Tentative Order proposes to make the stormwater treatment requirements for rehabilitating and reconstructing roads more stringent than what is required by the current permit. Proposed Provision C.3.b.i.(1)(b) will only allow pavement resurfacing within the existing footprint to be excluded from the requirements on Regulated Projects. The current permit allows exclusion from treatment "pavement resurfacing, repaving, and road pavement structural section rehabilitation within the existing footprint and any other reconstruction work within a public street or road right-of-way where both sides of that right-of-way are developed (Provision C.3.c.i.3). This will place a significant burden on municipalities to comply with this requirement, will likely have little water quality benefit in already highly urbanized communities, and there is no justification for this change included in the Fact Sheet.

The City requests that the language in our current permit (Provision C.3.c.i.3) be retained in the new Tentative Order. This will allow the City the flexibility allowed by the current permit to address existing road maintenance needs without additional expenditures of limited public funds to retrofit street maintenance projects with storm water treatment controls.

5. The Tentative Order proposes significant constraints on compliance alternatives for numeric sizing for regulated projects. In 2002, in accordance with our 2001 NPDES Stormwater Permit, the City adopted an alternative compliance program into its Municipal Code (SMC 12.60.270-300. No rationale has been provided in the Tentative Order or Fact Sheet for requiring existing programs to be rescinded or modified significantly. Alternative Compliance requests have not been common in the period since the program was included in the Municipal Code.

	<p>However, as the regulated project size decreases, there may be more of a need for this flexibility for urban infill-type projects where onsite treatment is infeasible.</p> <p>The City requests that this provision be changed to allow existing alternative compliance programs to remain in effect.</p> <p>6. The requirements of the Operations and Maintenance of Stormwater Treatment Systems Verification Program outlined in Provision C.3.h of the Tentative Order are overly prescriptive and do not allow cities the flexibility needed to implement a reasonable O&M Verification Program. The City agrees that maintenance of Stormwater Treatment BMPs is essential to ensure their effectiveness, but requiring the inspection of all stormwater treatment devices within 45 days of their installation is arbitrary and does not reflect the reality of the way projects are constructed. Most stormwater BMPs do not become operational until after paving is complete at a site, which will impact the ability of the inspector to determine if there are potential problems with a BMP. There is no basis for a decrease in the time allowed before the first inspection of post-construction BMPs must occur in the Tentative Order and what was allowed (within the first year after project completion) in our previous permit.</p> <p>The City requests that the time frame for the first inspection of stormwater treatment be more flexible, to allow for the entire project to be completed before the first post-construction inspection occurs, as often times there are other aspects of a project that will impact the stormwater treatment BMPs and their operation.</p>
Industrial and Commercial Site Controls C.4	<p>1. The Tentative Order expands the numbers and types of businesses subject to inspection by municipalities. The most problematic of these is the requirement to inspect mobile businesses (e.g., portable sanitary services, mobile cleaners, landscapers, pest control businesses, and pool cleaners) as they perform work activities within a City's jurisdiction. Many have their physical business actually located in another community. Our current inspection program inspects several of these categories at their business address, if located within Sunnyvale, and at a minimum outreach materials are provided to educate them. If complaints about a business performing a field activity within the City are received, Inspectors will initiate enforcement and education, as appropriate. The City believes that this is a more effective use of limited resources available for facility inspections than some kind of roving field inspection program trying to track down mobile businesses on a daily basis.</p>

	<p>The City requests that the Tentative Order remove the requirement for the inspections of Mobile Businesses during their field activities as it is not consistent with any Water Board priority such as a TMDL and no linkage is provided to a substantial water quality benefit.</p> <p>2.The increased reporting requirements of C.4.b.iii will require the submission of detailed data for each site inspected for approximately 500 businesses each year. Currently, the City provides a summary of the facilities inspected each year and any enforcement actions initiated for compliance issues. The requirements set forth in the Tentative Order reporting template for this section are onerous and will provide little benefit to protecting water quality.</p> <p>The City requests that the draft Annual Report Form in Attachment L be removed from the Tentative Order, and instead a reporting form should be developed after the permit is adopted to reflect what is actually included in the permit. By working together we may be able to develop a more concise report format and one that will provide essential information, which is not as burdensome to implement.</p>
Illicit Discharge Detection and Elimination C.5	<p>Similar to the reporting requirements of C.4 above, this provision has excessive reporting requirements. The City maintains complete records that are available for review if Water Board staff request to see them. However a summary of the data in annual reports should be sufficient to demonstrate this program's implementation and effectiveness.</p> <p>The City requests that the draft Annual Report Form in Attachment L be removed from the Tentative Order, and instead a reporting form should be developed after the permit is adopted to reflect what is actually included in the permit.</p>
Construction Site Control C.6	<p>The City has an established construction inspection program and will continue to address issues related to non-compliance with stormwater control best management practices. As with Provisions C.4 and C.5, the reporting requirements for this provision are onerous and the information required in the reporting template (Attachment L) is inconsistent with the Permit Provision language. Specifically, the reporting template in Attachment L should not require that all "screening level" inspections be tracked. The Tentative Order indicates that they should be tracked only in cases where a violation is discovered during the inspection.</p> <p>The City requests that the draft Annual Report Form in Attachment L be removed from the Tentative Order, and</p>

	instead a reporting form should be developed after the permit is adopted to reflect what is actually included in the permit.
Public Education and Outreach C.7	<p>Sunnyvale has a very active and effective Public Information and Participation program. The overly prescriptive requirements of the Tentative Order can be adapted into our existing program, but at the potential expense of some cost-effective and popular outreach efforts. For example, the City currently participates in excess of five community events annually (e.g., fairs, shows, farmers' markets) per the requirements of Table 7.1 of the Tentative Order for municipalities with Sunnyvale's population. In order to meet the requirements for the number of Community Involvement events required in Table 7.2 of the Tentative Order, the City will likely need to reduce the number of community events that it currently participates in order to have adequate staff time and funding needed to implement number of Citizen Involvement Events required. This prescriptive provision will limit the flexibility of the City to implement its currently effective and cost efficient Public Outreach and Information Program to address the local needs and situations.</p> <p>The City requests that the highly prescriptive content of Provision C.7g (especially numbers of Citizen Involvement Events be reconsidered and some accommodation made to allow continued efficient and convenient outreach at public events identified in provision C.7 e to be considered as meeting the Maximum Extent Practicable standard as described in the Fact Sheet.</p>
Water Quality Monitoring C.8	<p>The Tentative Order contains a lengthy, 18 page description of the proposed water quality monitoring requirements that is significantly more prescriptive than the existing permit, is overly burdensome, and does not bear a rational relationship to the water quality benefits that might be received. Many of the monitoring sections are duplicative and miss opportunities for efficiently combining and coordinating studies.</p> <ul style="list-style-type: none"> • An example of this would be where the types of monitoring that fit under the Status and Trends section could also serve to meet the needs for Long-Term Monitoring and Pollutants of Concern monitoring. • The frequency of monitoring should be reduced to what is needed to track long-term trends in pollutant concentrations. An example of this would be where annual monitoring is unnecessarily required for

	<p>pollutants whose concentrations would be expected to change slowly over decades.</p> <ul style="list-style-type: none"> • Several of the proposed monitoring tasks are better suited to nationwide or statewide monitoring efforts under the U.S. EPA or State Water Resources Control Board, rather than requiring implementation by local municipalities. <p>The City requests that Provision 8 be totally rewritten to include only the monitoring requirements that would be reasonable for municipalities to implement. <u>Or</u>, alternatively, the permit could be modified to allow the municipalities to jointly develop a monitoring plan to address the types, intervals, and frequencies of monitoring to be conducted that would provide data that are representative of the pollutants that need to be monitored. The monitoring plan could be made available for public review, comment and modification before acceptance by the Water Board's Executive Officer. An example of a previously successful monitoring program is the SCVURPPP Multi-Year Receiving Water Monitoring Plan, which was developed in cooperation with Water Board staff and was deemed to be a valid approach by the U.S. EPA when the Program was audited in 2003.</p>
Pesticides Toxicity Control C.9	<p>1. The City of Sunnyvale has had an Integrated Pest Management (IPM) Policy and provides annual training to staff on the policy since November 2002. The City also conducts public outreach to residents, businesses, and city staff to promote the use of Integrated Pest Management Practices. The City has also taken a proactive role providing Integrated Pest Management training to professional landscape maintenance individuals through the Santa Clara Valley Green Gardener training program. The City has taken a very proactive approach to helping reduce impacts of pesticide use on City-owned property and to help reduce impacts from general use by residents. The City requires contractors performing pest control operations on city-owned property to follow the City's IPM Policy.</p> <p>However, Provision C.9.d.i is overly prescriptive in requiring the permittees to hire only IPM-certified contractors and will be almost impossible to achieve, as there is no IPM certification program available for all those licensed individuals who may apply pesticides. The Department of Pesticide Regulation (DPR), which oversees the licensing of individuals who hold Qualified Applicator Certificates (QAC), Qualified Applicator Licenses (QAL), and Pest</p>

	<p>Control Advisors (PCA) does not have an “IPM certification program” for those who apply pesticides in landscape or agricultural settings. City staff who apply pesticides to landscaped areas within the City’s jurisdiction hold these types of licenses from DPR.</p> <p>The “EcoWise Certified” IPM Certification program promoted by the Association of Bay Area Governments and referenced in this permit provision is only for Branch 2 field representatives and operators for Structural Pest control. This certification program is not available to other applicators licensed through DPR.</p> <p>The City requests that requirements related to hiring “IPM Certified” pest control professionals be removed from the permit until there is a state certification program for all professionals who apply pesticides through state agencies such as the Department of Pesticide Registry and the Department of Consumer Affairs, Structural Pest Control Board.</p> <p>2.Provision C.9.h.iv requires that City staff report on the percentages of residents hiring “certified IPM providers”. The City does not have a mechanism available to identify the percentage of its residents who hire “certified IPM providers” other than by performing expensive and time-consuming surveys of residents. This would be a very expensive task and would provide little, if any direct water quality benefit.</p> <p>The City requests that this provision be revised to remove unclear and overly prescriptive language, and to allow agencies the flexibility to choose how they will implement the requirements to utilize IPM methods within those areas where they have jurisdiction.</p>
Trash Reduction C.10	<p>The City of Sunnyvale is concerned about impacts of litter and trash potentially conveyed through the City’s storm drainage system to local waterways and the Bay, and intends to increase efforts to address the problem that are meaningful and which will have an impact on potential source reduction. Currently, we are participating in a pilot study of the use of Full Capture devices in up to 13 storm drain inlets (out of the 4,000+ inlets the City maintains) near a variety of land uses to determine their effectiveness at addressing litter problems, as well as the costs associated with their installation, operation, and maintenance. Although these have been successful in the Los Angeles area, they have not been tested in northern communities, where there are significant sources of leaves from street trees during the fall and winter that may impact operations.</p>

	<p>However, the Tentative Order requires that the City identify high trash and litter catchments totaling at least 10% of the urbanized area within the City and implement actions to reduce the impacts of litter/trash on beneficial uses. Two actions will be required: the installation of full-capture trash control devices that prevent debris >5 mm in size from entering storm drain conveyance systems on at least 5% of the catchment area, and the use of “enhanced trash management control measures” on the other 5%. In addition, the “enhanced trash management control measures” must be implemented as interim measures until the “full capture” devices are installed.</p> <p>No supporting technical basis for the very prescriptive requirements in this provision of the permit is provided. For example, what studies show that the threshold for implementation of “enhanced” practices must include weekly street sweeping and storm drain inlet cleaning four times per year? This provision does not recognize the possible variety of trash and litter problem sources (e.g., highways and freeways under CalTrans control or homeless camps along waterways) and the need to implement tailored and cost-effective programs to address specific trash problem sources. Requiring an arbitrary amount of a City’s resources, including land to be devoted to the exceptionally prescriptive requirement for full-capture devices or enhanced trash management control measures is inflexible and will be detrimental to a municipality’s ability to implement cost-effective ways to reduce litter impacts to waterways.</p> <p>The City requests that:</p> <ul style="list-style-type: none">• The Tentative Order be modified to allow municipalities the flexibility needed to address litter source control actions, based on what is cost-effective and will address the local source issue.• This permit provision be rewritten to identify one high impact catchment tributary to the storm drain conveyance system that it owns, and to implement appropriate solutions, or require responsible parties to implement solutions that will result in measurable reductions in trash or litter from entering waterways.• The proposed permit requirement for the installation of full-capture devices and enhanced trash management actions in a total of 10% of the city’s urban land area be eliminated.
Mercury Controls	Comments on these two provisions are provided together, since

<p>C.11 and PCB Controls C.12</p>	<p>there appear to be overlaps with the requirements for each of the pollutants, since both pollutants bind to sediment.</p> <p>1.The City is very concerned about the various storm water pump station studies that are required in these two provisions (C.11.f and C.12.f), the Monitoring Projects provision (C.8.e.iii), and the approach the Tentative Order takes toward focusing on the diversion of dry weather flows and first flush flows from stormwater pump stations to sanitary sewer lines.</p> <p>There are also conflicting requirements between the Monitoring Project requirement version in Table 8-4 and the proposed pump station studies under Provision C.11.f and C.12.f.</p> <p>These studies are being required without any consideration of the effectiveness of existing pump station diversion studies or without knowing how the results of those studies might be used to address potential problems from pump station discharges (discussed in the Fact Sheet).</p> <p>The City requests that the requirements of Provision C.8.e iii, Table 8-4, Provision C.11.f and C.12.f be removed from the permit and replaced with a provision that requires agencies to work with sanitary sewer agencies to better characterize the possible problems from storm water pump station discharges and then identify a range of possible solutions, depending on the type of problem identified, if any.</p> <p>2.Provision C.12.b requires a considerable expansion of building inspections and/or stormwater inspections to include inspection programs for PCBs at demolition sites. The draft permit requires that a minimum of ten sites, “evenly distributed” throughout the permittees counties are to implement a sampling and analysis plan for PCBs in demolition waste. The permit requires that co-permittees train and deploy inspectors for this program and model ordinances or policies, prior to the completion of the pilot program’s completion.</p> <p>The City requests that this provision be revised to make it clear that its implementation (ordinances, policies, staff training, BMP development, etc.) is not required until the results of any pilot studies or data-gathering evaluations are completed.</p> <p>3.Provision C.12.c requires that cities perform a considerable amount of research and data collection on potential historic locations for PCB-contaminated sediments sources. The very prescriptive provision requires municipalities to rank and</p>
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	<p>map PCB source areas within each drainage area of a city and to provide information on current site operations, ownership/operators, and then assist the Water Board or other agencies to find funding to perform abatement or the responsible parties to do the work. In addition, the provision as currently written requires that the cities will be held responsible for abatement of PCB-containing sediments in drainages under their jurisdiction. This provision requires the cities to do the work that the U.S. EPA or a state agency contaminated sites program should be doing without the benefit of any resources. The requirement creates an undue burden on cities to deal with historical contamination sources over which they may not have any control and do not have the appropriate level of staff expertise available to implement such extensive and expensive programs.</p> <p>The City requests that this provision be reviewed and revised so that cities are not held responsible for abatement on private property. It should also reasonably limit a city's responsibility to advocating for a clean up action and prohibit the exposure of the city's storm water collection system to receiving pollutants from a site.</p>
Copper Controls C.13	<p>Requirements to address copper controls have been ongoing efforts for municipalities. A new permit requirement adds an additional program to prohibit the discharge of wash water from copper architectural features, such as roofs, to storm drains. This new provision will require expenditures of staff time to change local ordinances, develop new BMPs, and require enforcement for a program that does not have any demonstrated benefit to water quality from this very limited potential pollutant source. As Sunnyvale already does, discouraging the use of architectural copper and promoting best management practices to deal with potential wash water generation would be as effective at controlling this relatively minor potential pollutant source.</p> <p>The City requests that if it is demonstrated that a waste stream is not a significant source of copper entering the receiving water from that jurisdiction, that there should be some allowances made by making control efforts appropriate to the potential threat to water quality from that activity. The level of detail and prescriptive requirements of Provision C.13.a.i are not needed to address reduction in copper discharges to receiving waters.</p>
PBDE, Legacy Pesticides, and Selenium	<p>This provision focuses on developing and implementing region-wide plans to determine if stormwater conveyances are sources for the possible impairment of receiving waters</p>

C.14	<p>for these pollutants of concern. The identification of possible control measures or management practices to reduce these pollutants seems appropriate. However, given the many competing requirements of this Tentative order, the requirements listed here should be included in the prioritization efforts for all permit provisions.</p> <p>The City requests that the requirements in this permit provision be prioritized in consideration of all the other provisions included in the permit.</p>
Exempted and Conditionally Exempted Discharges C.15	<p>1. This provision includes overly burdensome requirements for conditionally exempt discharges to storm drain systems within a City's jurisdiction. The City would be responsible for every discharge of pumped groundwater, foundation drain, water from crawl space pumps, and footing drains which are required to meet "water quality standards consistent with effluent limitations of the Water Board's NPDES General Permit (Provision C.15.b.i.(1)(c)). The City would be held responsible for the implementation at great cost - of water quality testing, maintain records of discharges, the BMPs implemented, and monitoring data collected to demonstrate that the discharges meet permit criteria (Provision C.12.b.i.(2)). The Fact Sheet does not provide any basis for imposing the very prescriptive and onerous requirements for managing these minor types of non-stormwater discharges that pose limited threats to stormwater quality.</p> <p>The City requests that this provision be rewritten to include a simplified list of practical and effective BMPs for each type of conditionally exempt discharge. SCVURPPP developed a <i>Conditionally Exempted Discharges Report</i> (June 2000) which lists appropriate BMPs for these types of discharges. This document also incorporates by reference the <i>SCVURPPP Water Utility O&M Discharge Pollution Prevention Plan</i> (1997) that contains BMPs for planned and unplanned potable water discharges and the chlorine concentration limits. Since both of these documents were reviewed and approved by Water Board staff, they could be used as resources for development of reasonable requirements for this permit.</p>
Attachment L 110 page Annual Report Form Template	<p>Increased data collection, tracking, database development or modification of existing databases, and data summaries are required for almost every program element of this Tentative Order. The increased data collection and reporting requires additional staff time to enter the data and perform quality control checks. These additional state mandates will be costly to implement. The data management and reporting</p>

requirements do not have clear linkages to improvements in water quality or to what stormwater management objective will be met by submitting the data and reports that are being required.

The City requests the Water Board consider the following:

- **Reduce the tracking and reporting requirements of this Tentative Order so that those resources could be directed to implementing operational and programmatic actions that directly benefit water quality. Attachment L should be removed from the permit and then revised, in cooperation with the permittees, to provide the information required in the adopted order.**
- **In lieu of a lengthy form type of annual report submission as in Attachment L, the City suggests that Water Board staff participate in individual program assessments and actually visit a municipality or agency to review their program's adequacy in depth. This may only need to be done once a permit cycle, with annual update reports on limited topics of concern being provided post-assessment.**
- **If Attachment L is not removed from the Tentative Order, a more careful review of the template should be performed before adoption into the permit to remove inconsistencies between what the permit language requires and what the report format requires.**
- **If any inconsistencies between the report format and the permit exist, then a statement should be included in the permit to indicate that the permit language prevails over that which is listed in the Annual Report form.**